

Remarks

Applicant respectfully requests reconsideration of the present case in view of the above amendments and the following remarks.

Claims 1-20 are currently pending. Claims 1, 4, and 8 have been amended. No new matter has been inserted. Support for the amendment to claims 1 and 8 can be found in the specification at least at page 13, line 20. Claim 4 was simply amended for clarity.

35 U.S.C. § 112

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

Specifically, the Examiner objected to the phrase "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes".

While not conceding the rejection, in the interest of advancing prosecution, Applicant has amended claims 1 and 8 in order to remove the phrase at issue. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-11 were also rejected as lacking an appropriate transitional phrase. In response, Applicant points out that claims 1 and 4 have been amended to include the transitional phrase "comprising". Applicant further points out that claim 8 already contains the transitional phrase "comprising". As claims 2-3 are dependent on claim 1, as claims 5-7 are dependent on claim 4, and as claims 9-11 are dependent on claim 8, they include a proper transitional phrase by dependency. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-3 and 8-11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Specifically, the Examiner objects to the phrase "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes".

While not conceding the rejection, in the interest of advancing prosecution, Applicant has amended claims 1 and 8 in order to remove the phrase at issue. Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 132

The amendment filed November 18, 2004 was objected to under 35 U.S.C. § 132 because it introduced new matter in the disclosure. Applicant respectfully traverses this objection.

Specifically, the Examiner asserts that the phrase "said positive and/or said negative electrodes are adjusted by combining lighter weight electrode plates with heavier weight electrode plates to comprise an electrode weight closer to the average weight value for a plurality of positive and/or negative electrodes than unadjusted positive and/or negative electrodes" is new matter.

While not conceding the objection, in the interest of advancing prosecution, Applicant has amended claims 1 and 8 in order to remove the phrase at issue. Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 103

Claims 1, 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitoh et al. (US 6,258,487) in view of Nagaura et al. (US 5,534,369). Applicant respectfully traverses this rejection.

Kitoh discloses (at column 4, lines 28-37), that one electrode is divided into plural pieces without change of its whole length. However, the process of dividing the electrode can cause active materials and pseudo-active materials to be eliminated imprecisely by the impact of the cutoff tool, resulting in a weight value that can range between 1 and 5% between pairs of the electrodes. Therefore, Kitoh fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claims 1 and 8.

Nagaura fails to cure the deficiencies of Kitoh. Nagaura discloses (at column 4, lines 65-67) that two positive electrodes are prepared from a positive electrode sheet. This process would result in a significant variance in weight value between electrode pairs. Therefore, Nagaura fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1

wt.% of the average for a plurality of positive and/or negative electrodes” as required by claims 1 and 8. Therefore, the combination of Kitoh and Nagaura fails to disclose or suggest the invention of claim 1 or the invention of claim 8. As claim 2 is dependent on claim 1, the combination of Kitoh and Nagaura fails to disclose or suggest the invention of claim 2. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-3 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaido et al. (US 6,284,405) in view of Nagaura et al. (US 5,534,369). Applicant respectfully traverses this rejection.

Kaido discloses a method for manufacturing an electrode plate of a nonaqueous electrolyte battery. However, Kaido fails to disclose or suggest “said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes” as required by claims 1 and 8.

Nagaura fails to cure the deficiencies of Kaido. Nagaura discloses (at column 4, lines 65-67) that two positive electrodes are prepared from a positive electrode sheet. This process would result in a significant variance in weight value between electrode pairs. Therefore, Nagaura fails to disclose or suggest “said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes” as required by claims 1 and 8. Therefore, the combination of Kaido and Nagaura fails to disclose or suggest the invention of claim 1 or the invention of claim 8. As claims 2 and 3 are dependent on claim 1, the combination of Kaido and Nagaura fails to disclose or suggest the invention of claims 2 and 3. Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitoh et al. (US 6,258,487) in view of Webb et al. (US 6,300,002). Applicant respectfully traverses this rejection

Kitoh discloses (at column 4, lines 28-37), that one electrode is divided into plural pieces without change of its whole length. However, the process of dividing the electrode can cause active materials and pseudo-active materials to be eliminated imprecisely by the impact of the cutoff tool, resulting in a weight value that can range between 1 and 5% between pairs of the electrodes. Therefore, Kitoh fails to disclose or suggest “said positive and/or said negative

electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claims 1 and 8.

Webb fails to cure the deficiencies of Kitoh. Webb discloses an electrode having a notch along one edge. However, Webb fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claims 1 and 8. Therefore, the combination of Kitoh and Webb fails to disclose or suggest the invention of claim 1 or the invention of claim 8. As claim 2 is dependent on claim 1, the combination of Kitoh and Webb fails to disclose or suggest the invention of claim 2. Applicant respectfully requests that this rejection be withdrawn.

Claims 1-3 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaido et al. (US 6,284,405) in view of Webb et al. (US 6,300,002). Applicant respectfully traverses this rejection.

Kaido discloses a method for manufacturing an electrode plate of a nonaqueous electrolyte battery. However, Kaido fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claims 1 and 8.

Webb fails to cure the deficiencies of Kaido. Webb discloses an electrode having a notch along one edge. However, Webb fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claims 1 and 8. Therefore, the combination of Kaido and Webb fails to disclose or suggest the invention of claim 1 or the invention of claim 8. As claims 2 and 3 are dependent on claim 1, the combination of Kaido and Webb fails to disclose or suggest the invention of claims 2 and 3. Applicant respectfully requests that this rejection be withdrawn.

Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitoh et al. (US 6,258,487) or Kaido et al. (US 6,284,405) in view of Nagaura et al. (US 5,534,369) or Webb et al. (US 6,300,002) as applied above, and further in view of Nakai et al. (JP 60-180,058). Applicant respectfully traverses this rejection.

Kitoh discloses (at column 4, lines 28-37), that one electrode is divided into plural pieces without change of its whole length. However, the process of dividing the electrode can cause active materials and pseudo-active materials to be eliminated imprecisely by the impact of the cutoff tool, resulting in a weight value that can range between 1 and 5% between pairs of the electrodes. Therefore, Kitoh fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claim 8.

Kaido fails to cure the deficiencies of Kitoh. Kaido discloses a method for manufacturing an electrode plate of a nonaqueous electrolyte battery. However, Kaido fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claim 8.

Nagaura fails to cure the deficiencies of Kitoh and Kaido. Nagaura discloses (at column 4, lines 65-67) that two positive electrodes are prepared from a positive electrode sheet. This process would result in a significant variance in weight value between electrode pairs. Therefore, Nagaura fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claim 8.

Webb fails to cure the deficiencies of Kitoh, Kaido, and Nagaura. Webb discloses an electrode having a notch along one edge. However, Webb fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claim 8.

Nakai fails to cure the deficiencies of Kitoh, Kaido, Nagaura, and Nakai. Nakai discloses a cylindrical battery container. However, Nakai fails to disclose or suggest "said positive and/or said negative electrodes are within the range of ± 1 wt.% of the average for a plurality of positive and/or negative electrodes" as required by claim 8.

For at least these reasons, Applicant asserts that the combination of Kitoh or Kaido in view of Nagaura or Webb, and further in view of Nakai, fails to teach or suggest the invention of claim 8. As claims 9-11 are dependent on claim 8, they are also not taught or suggested. Applicant respectfully requests that this rejection be withdrawn.

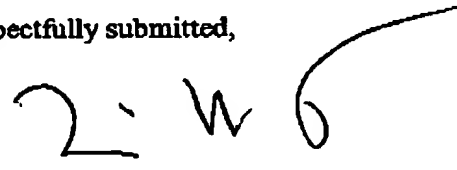
Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

8 September 2005

Date



Brian H. Batzli
Reg. No. 32,960
Merchant & Gould P.C.
P. O. Box 2903
Minneapolis, MN 55402-0903
612.336.4755

BHB:MED:kf

23552

PATENT TRADEMARK OFFICE